

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

United States of America
ex rel. ALEX DOE, Relator,

The State of Texas
ex rel. ALEX DOE, Relator,

The State of Louisiana
ex rel. ALEX DOE, Relator,

Plaintiffs,

v.

Planned Parenthood Federation of America,
Inc., Planned Parenthood Gulf Coast, Inc.,
Planned Parenthood of Greater Texas, Inc.,
Planned Parenthood South Texas, Inc.,
Planned Parenthood Cameron County, Inc.,
Planned Parenthood San Antonio, Inc.,

Defendants.

CIVIL ACTION NO. 2:21-CV-00022-Z

DECLARATION OF CAITLYN E. SILHAN

I, Caitlyn E. Silhan, declare and state as follows:

1. I am a partner at the law firm of Waters & Kraus, LLP. I make this declaration in support of Affiliate Defendants' Memorandum in Opposition to Relator's Memorandum in Support of State of Texas's Motion to Compel Production of Documents on Defendants' Privilege Log.
2. Waters & Kraus has represented Planned Parenthood of Greater Texas, Inc. ("PPGT") and its related entities since August of 2021, when the firm was first retained in anticipation of litigation brought against PPGT under Texas Senate Bill 8 (2021) ("SB8"). The firm later agreed to represent PPGT and its related entities in, among other things, proactive litigation challenging SB8.

3. Waters & Kraus continues to serve as legal counsel to PPGT through the present day, providing PPGT with legal compliance services and advising on litigation strategy.
4. On September 2, 2021, Waters & Kraus, as counsel for Planned Parenthood of Greater Texas Surgical Health Services (“PPGTSHS”), along with the Kaplan Law Firm, PLLC and Planned Parenthood Federation of America (“PPFA”) Litigation & Law counsel for PPGTSHS and other Texas Planned Parenthood affiliates, filed a legal challenge to SB8 in the 53rd District Court of Travis County, Texas, Cause No. D-1-GN-21-004632 (“SB8 state challenge”). At the time, PPGTSHS was a separate but related entity of PPGT that provided reproductive health services including abortion, miscarriage management, and contraception. PPGT appointed PPGTSHS’s board members, and Ken Lambrecht served as president and CEO of both PPGT and PPGTSHS.
5. In September 2021, in addition to the SB8 state challenge, PPGTSHS was also a plaintiff in a federal challenge to SB8 (“SB8 federal challenge”).¹ Jane’s Due Process was one of PPGTSHS’s co-plaintiffs in the SB8 federal challenge.
6. On September 15, 2021, Waters & Kraus withdrew as counsel of record for PPGTSHS in the SB8 state challenge. Waters & Kraus continued to advise PPGT and PPGTSHS on, among other things, SB8-related litigation and legal strategy after its withdrawal as counsel of record, including conferring with Litigation & Law counsel at PPFA about the SB8 challenges.
7. The email chain Bates-numbered PPGT-00015864-PPGT-00015871 is one in which Alexandra Albright, a board member of PPGT and attorney for other plaintiffs

¹ *Whole Woman’s Health v. Jackson*, 13 F.4th 434 (5th Cir. 2021). Relator’s counsel were also opposing counsel of record in the federal challenge.

challenging SB8 in Texas state court at the time,² copied her colleagues at Alexander, Dubose, & Jefferson; her co-counsel at Thompson Coburn; Susan Hays, an attorney and legal advisory board member of Jane’s Due Process; PPGT CEO Ken Lambrecht; and counsel for PPGT at Waters & Kraus. In addition to serving as counsel for PPGT at Waters & Kraus, Charles Siegel was a board member of Jane’s Due Process at the time of these emails. Likewise, in addition to serving as counsel for PPGT at Waters & Kraus, I was and am a board member of the North Texas Equal Access Fund, a plaintiff in both the federal and state SB8 challenges.³

8. Each of the individuals included in the emails in Bates Nos. PPGT-00015864-PPGT-00015871 were then representatives of a party, counsel of record, or otherwise engaged to provide legal representation to parties in pending and anticipated litigation involving SB8 and Relator’s counsel.
9. The purpose of the emails exchanged in Bates Nos. PPGT-00015864-PPGT-00015871 was to discuss legal strategy in light of ongoing and anticipated litigation involving SB8. The communications were exchanged with the expectation that they were and would continue to be confidential, privileged, and protected as attorney work product.
10. I, and Waters & Kraus, did not intend, and would not have expected, that the contents of the emails exchanged in Bates Nos. PPGT-00015864-PPGT-00015871 would ever

² See *In re Texas Heartbeat Act Litigation*, No. 21-0782. Relator’s counsels’ clients in the SB8 state challenge moved to transfer PPGT’s SB8 challenge, along with the SB8 litigation initiated by Ms. Albright’s clients, to an MDL court on September 13, 2021. See Mot. for Transfer to a Multidistrict Litigation Pretrial Court and Emergency Request for Stay of All Trial-Court Proceedings, No. 21-0782 (Sept. 13, 2021).

³ Thompson Coburn and Alexander Dubose & Jefferson represent the North Texas Equal Access Fund in the state-court SB8 challenge.

be disclosed to PPGT's adversaries in litigation, including both the instant matter and the SB8 challenges.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on December 23, 2022 in Dallas, Texas.

A handwritten signature in blue ink, appearing to read "Csuhan", is written over a horizontal line.

Caitlyn E. Silhan